



U.S. Department of Justice

Civil Rights Division

DK:MLB:EKB:JMS:AKT:BS  
DJ 170-51-358

Employment Litigation Section - PHB  
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Washington DC 20530  
[www.usdoj.gov/crt/emp](http://www.usdoj.gov/crt/emp)

October 25, 2011

Via ECF

Hon. Nicholas G. Garaufis  
United States District Court  
for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: United States v. City of New York, et al., 07-CV-2067 (NGG)(RLM)**

Dear Judge Garaufis:

In accordance with the Court's October 20, 2011 minute entry, Plaintiff United States of America ("United States") respectfully proposes language to clarify Paragraph 18 of the Court's Draft Remedial Order, Permanent Injunction, and Order Appointing Court Monitor ("Draft Remedial Order"), which was attached as an exhibit to the Court's October 5 Memorandum and Order (Dkt. 743-1).

To address the objection raised by the City of New York at the October 20, 2011 status conference, the United States recommends that Paragraph 18 be revised as follows: "The City of New York shall, with reasonable diligence, take all steps necessary to eliminate the vestiges of its pattern and practice of intentional discrimination against black firefighter candidates and its longstanding pattern and practice of disparate impact discrimination against black and Hispanic firefighter candidates, to remove all barriers to the elimination of these vestiges of discrimination, and to end all policies and practices that have the effect of perpetuating the effects of the City's intentional discrimination against black firefighter candidates, as well as the City's disparate impact discrimination against black and Hispanic firefighter candidates."

Respectfully submitted,

Delora L. Kennebrew  
Chief  
Employment Litigation Section

A handwritten signature in black ink, appearing to read "Eric K. Bachman", is written over a horizontal line.

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